

REMARKS

Responsive to the Notice dated August 25, 2006 (copy attached), the undersigned respectfully submits that the Preliminary Amendment of September 21, 2005 properly indicated claim 20 as a "(new)" claim and that the Notice, mailed August 25, 2006 therefore was mailed in error.

Consideration of the following in this regard is requested.

The Notice of August 25, 2006 indicates that claim 20 of the Preliminary Amendment was allegedly improperly identified as being a "(new)" claim.

Claim 20 however was not present in the PCT international phase when entering the U.S. as claim 20 of the published PCT application no. PCT/GB2004/001225 (published as WO2004/082584 on September 30, 2004) was deleted in the amended claims filed with the Demand on January 20, 2005, as clearly stated in the International Preliminary Examination Report (IPER) dated July 1, 2005, a copy of which is available in the PTO IFW.

The Annexes attached to the IPER, also available in the PTO IFW, include claims numbered 1-19.

The claims included in the Preliminary Amendment filed September 21, 2006 clearly stated that the "listing of the claims will replace all prior versions, and listings, of claims in the application: **(AS ON AMENDED SHEET(S) ANNEXED TO IPER)**".

The Examiner is requested to appreciate that MPEP 1893.01(a)(3) (Article 34 Amendments (Filed with the International Preliminary Examining Authority) [R-3]), provides the following:

Amendments to the international application that were properly made under PCT Article 34 during the international preliminary examination phase (i.e., Chapter II) will be annexed by the International Preliminary Examining Authority to the international preliminary examination report (IPER) and communicated to the elected Offices. See PCT Article 36, PCT Rule 70.16, and MPEP § 1893.03(e). If these annexes are in English, they will normally be entered into the U.S. national stage application by the Office absent a clear instruction by the applicant that the annexes are not to be entered.

The first new claim therefore following the pending claims as attached as Annexes to the IPER would be claim number 20, as indicated in the Preliminary Amendment of September 21, 2006.

In view of the above, the Notice of August 25, 2006 is submitted to have been issued in error and nothing further is believed to be required to properly identify the pending claims.

The issuance of the Notice, while believed to be in error and not specifically indicated the lack of entry of the claims attached to the IPER, is taken as an indication that the claims attached as Annexes to the IPER have not been entered, in contradiction to MPEP 1893.01(a)(3). While not believed appropriate, the above listing of claims is provided in response to the attached Notice based on an apparent lack of entry of the Annexes to the IPER, and to advance prosecution.

The Office is requested to advise the undersigned in the event anything further is required in response to the attached Notice.

An early and favorable Action on the merits of the claimed invention is requested.

BRUINVELS
Appl. No. 10/550,145
Monday, September 25, 2006

Respectfully submitted,

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